

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.622(b), |) | MM Docket No. 01-23 |
| Table of Allotments, |) | RM-9960 |
| Digital Television Broadcast |) | |
| Stations. |) | |
| (Ontario, California) |) | |

To: Chief, Video Services Division

COMMENTS OF
COMMUNITY TELEVISION
OF SOUTHERN CALIFORNIA

Pursuant to Sections 1.415 and 1.420 of the Commission's rules, 47 C.F.R. §§ 1.415 and 1.420, Community Television of Southern California, licensee of noncommercial educational television Station KCET-TV, Los Angeles, California ("KCET") submits these comments in response to the *Notice of Proposed Rule Making ("NPRM")* in the above-referenced proceeding.¹ The *NPRM* proposes the allotment of DTV Channel 29 at Ontario, California to USA Station Group Partnership of Southern California ("USA"), licensee of Station KHSC-TV, NTSC Channel 46, as a substitute for KHSC-DT's assigned DTV Channel 47c.

KCET does not oppose the proposed channel substitution *per se*. However, for the reasons set below, KCET urges the Commission to amend the DTV Table of

¹ See *In re Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Ontario, California)*, Notice of Proposed Rule Making, MM Docket 01-23, RM-9960 (released January 31, 2001).

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Allotments, 47 C.F.R. § 73.622(b), if at all, to substitute Channel 29c rather than Channel 29, and to condition the proposed channel substitution on USA's reimbursing KCET for the costs it will necessarily incur to accommodate the proposed substitution.

INTRODUCTION

USA, the licensee of KHSC-TV, NTSC Channel 46, Ontario, California, filed a petition for rulemaking asking the Commission to allot DTV Channel 29 at Ontario, California as a substitute for KHSC-DT's assigned DTV Channel 47c. USA claims that the DTV Channel 47c allotment will not allow replication of KHSC-TV's analog service area, and will instead shift coverage from populous areas to sparsely populated communities.² The proposed substitution would purportedly diminish total DTV interference caused by KHSC-DT and largely eliminate a short-spacing to a co-channel DTV allotment in Tijuana, Mexico.³

KCET is a major market public television station, serving the needs of Los Angeles and surrounding areas with national and locally produced public television programming. KCET operates on NTSC Channel *28 in Los Angeles, the lower-adjacent channel to KHSC's proposed DTV operations. KCET's engineers have concluded that KHSC's proposed channel substitution will not cause more than *de minimis* interference to KCET, and is therefore not objectionable on those grounds. However, as explained below, KCET believes the Commission should (1) substitute DTV Channel 29c, rather than Channel 29, in order to ensure that KCET's NTSC operations are protected, and (2)

² *NPRM*, ¶ 2.

³ *Id.*

condition the channel substitution on USA's reimbursing KCET for the costs of the new equipment it will have to acquire to accommodate the channel substitution.

ARGUMENT

I. The Commission Should Substitute DTV Channel 29c, Rather Than Channel 29, for KHSC-DT's DTV Allotment

In the current DTV Table of Allotments, KHSC-DT is assigned Channel 47c.⁴

The presence of the "c" in KHSC-DT's assigned channel is significant because:

DTV stations operating on a channel allotment designated with a "c" in paragraph (b) of [Section 73.622] must maintain the pilot carrier frequency of the DTV signal 5.082138 MHz above the visual carrier frequency of any analog TV broadcast station that operates on the lower adjacent channel and is located within 88 kilometers. This frequency difference must be maintained within a tolerance of ± 3 Hz.

47 C.F.R. § 73.622(g)(1). The Commission adopted this requirement in order to prevent "interference from an upper-adjacent channel DTV signal to reception of an NTSC station that is related to the precise location of the DTV signal pilot carrier frequency."⁵

Here, KHSC is proposing to change its DTV allocation to DTV Channel 29, the upper-adjacent channel to KCET's NTSC Channel 28 operations. Under the Commission's rules, KCET's NTSC operations are entitled to protection from DTV operations on adjacent channels in accordance with Section 73.622(g)(1), and that section requires that any allocation of Channel 29 be subject to the appropriate condition.

However, the *NPRM* does not include the "c" in the proposed allotment of Channel 29.⁶

Since such a limitation is required under the Commission's rules and KHSC has not

⁴ See 47 C.F.R. § 73.622(b).

⁵ See *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Fifth Further Notice of Proposed Rule Making, 5 Comm. Reg. 2175, 11 FCC Rcd. 6235 (1996), at ¶57.

⁶ See *NPRM* at ¶¶3,4.

demonstrated that there is any basis to waive the rule – and there is none⁷ -- KCET urges the Commission to modify its proposal and to allot Channel 29c, rather than Channel 29, to Ontario, California and assign it to KHSC-DT.

II. The Commission Should Condition Grant of KHSC-DT's Construction Permit on Reimbursing KCET For The Costs KCET Will Incur If The Commission Grant's KHSC's Petition

As explained above, KHSC must maintain its DTV pilot $5.082138 \text{ MHz} \pm 3 \text{ Hz}$ above KCET-TV's visual carrier pursuant to Section 73.622(g)(1) of the Commission's rules. Although Section 73.622(g)(1) places the burden of compliance squarely on KHSC-DT as the upper-channel DTV station, KCET will be required to upgrade its main and auxiliary exciters in order for KHSC to maintain the precise offset required by Section 73.622(g)(1).

According to the *NPRM*, KHSC proposes to operate its DTV facility from the same Mt. Wilson antenna farm as used by KCET for Channel 28. As indicated in the attached Engineering Statement of Hammett & Edison, Inc., KCET's consulting engineers, the two towers are only 0.5 kilometers apart. KCET's current exciters are designed to maintain a frequency tolerance of only $\pm 1,000 \text{ Hz}$, as permitted under Section 73.687(c) of the Commission's rules, rather than the $\pm 1 \text{ Hz}$ necessary for precise offset to work.

As set forth in the attached Declaration of William Burroughs, KCET's Director of Engineering, upgrading the exciters will cost approximately \$55,000 plus labor, shipping, taxes and some additional costs associated with the installation. No NTSC station, let alone a public television station with limited funding such as KCET, should be

⁷ As noted in the next section of these Comments, KHSC's DTV antenna tower will be located with 0.5 km of KCET's NTSC antenna.

forced to bear the costs of another station's proposed channel change, particularly when the Commission's rules clearly impose upon the DTV station the responsibility for maintaining the precise offset. Indeed, as a general matter, the Commission requires applicants proposing to change channels to reimburse any other station for the costs incurred to accommodate the channel change.⁸ The Commission should not require KCET, which is already hard-pressed financially as a result of the costs of the transition to digital television and short-falls in its recent fund-raising efforts, to bear this substantial expense.

Accordingly, the Commission should require KHSC to reimburse KCET for all reasonable upgrade expenses necessitated by KHSC-DT's substitution of Channel 29c for its assigned DTV Channel 47c, as a condition to the channel change.

CONCLUSION

For the foregoing reasons, the Commission should only grant KHSC's proposed channel substitution if the proposed allotment is for DTV Channel 29c, rather than

⁸ See, e.g., *In re Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Crandon, Wisconsin)*, 3 FCC Rcd. 6765 (1988), at n. 3 (noting Commission policy of "requiring the benefiting party to reimburse the station incurring expenses necessary to accommodate a proposed facility"); *In re Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Albany, Buffalo, Ilion and Utica, New York and Boston, Massachusetts)*, 3 FCC Rcd. 2208 (1988), at ¶ 5 (same); see also *In re Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (George West, Pearsall and Victoria, Texas)*, 15 FCC Rcd. 17307 (2000), at ¶ 4 (citing *In re Amendment of Section 73.202, Table of Allotments, FM Broadcast Stations (Leitchfield, Ky., Rolla and Columbia, Mo., Bakersfield, Calif., Sandusky, Mich., Enterprise and Troy, Ala., Ladysmith, Wis., and Ironwood, Mich., Sturgeon Bay, Wis., Morris, Minn., Jerseyville, Ill., Augusta, Ga., Brewton and Andalusia, Ala., Wickenburg, Ariz., Potsdam, N.Y., New Albany, Ohio, and Circleville, Ohio)*, 8 FCC 2d 159 (1967)).

Channel 29, and the authorization is conditioned on KHSC reimbursing KCET for all reasonable upgrade expenses borne by KCET as a result of KHSC's proposed channel substitution.

Respectfully submitted,



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Counsel for Community Television of
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Date: March 26, 2001

TV Station KCET • NTSC Channel 28 • Los Angeles, California

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Community Television of Southern California, licensee of TV Station KCET, NTSC Channel 28, Los Angeles, California, to prepare this engineering statement in support of comments to MM Docket 01-23.

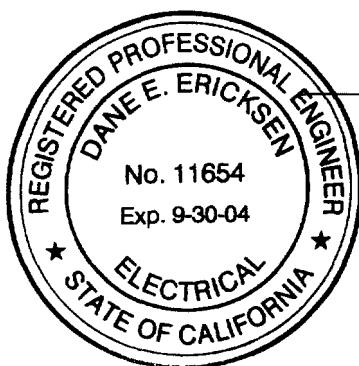
MM Docket 01-23

Mass Media Bureau Docket 01-23 proposes to substitute DTV Channel 29 for DTV Channel 47 as the allotted channel for Station KHSC-TV, NTSC Channel 46, Ontario, California. Both KCET and KHSC-TV have their transmitting facilities at the Mt. Wilson antenna farm near Los Angeles.

KCET does not object to this proposed channel substitution, but requests that the record indicate that the allotment have a "c" suffix indicating that it must maintain a precise 5.082138 MHz ± 3 Hz frequency offset with the KCET visual carrier, pursuant to Section 73.622(g)(1) of the FCC Rules, since KCET would become a lower-adjacent NTSC station within 88 kilometers of KHSC-DT as Channel D29 (KHSC-DT as D29 would be only 0.5 kilometers from KCET).

It is also respectfully requested that this proceeding affirm that KHSC-DT must reimburse KCET for all reasonable and prudent costs in upgrading the main and backup KCET exciters from a standard $\pm 1,000$ Hz frequency stability to a ± 1 Hz frequency stability, and the KHSC-DT maintain its DTV pilot at 560.332138 MHz ± 1 Hz, so that the frequency difference is maintained within ± 3 Hz of 5.082138 MHz. KCET has determined that both its main and backup exciters are new enough to accept the external frequency source upgrade kit offered by Harris Corporation for just this purpose; when combined with a GPS frequency reference generating a high stability 10 MHz signal, it will be possible to upgrade the KCET visual carrier frequency stability to ± 1 Hz or better. This will allow the KCET and KHSC-DT transmitters, which will be located in separate buildings at the Mt. Wilson antenna farm, to maintain the necessary frequency offset.

March 6, 2001



A handwritten signature in black ink, appearing to read "Dane E. Ericksen", written over a horizontal line.

Dane E. Ericksen, P.E.

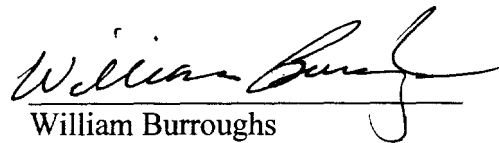


HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

DECLARATION OF WILLIAM BURROUGHS

I, William Burroughs, declare under penalty of perjury that the following statements are true and correct:

1. I am the Director of Engineering for noncommercial educational television station KCET-TV, NTSC Channel *28, Los Angeles, California.
2. I am familiar with the *Notice of Proposed Rule Making* referred to in the attached Comments, and with the factual statements made in those Comments.
3. I have analyzed KHSC-DT's proposal to substitute DTV Channel 29 to Ontario, California instead of KHSC-DT's assigned Channel 47c allotment, and have conferred with other engineers about the impact of the proposal. I have concluded that if the Commission adopts the proposal and assigns Channel 29c to KHSC-DT, KCET-TV will have no choice but to upgrade its equipment in order to accommodate the technical parameters of KHSC-DT as dictated by Section 73.622(g)(1) of the Commission's rules.
4. In particular, I expect that, at a minimum, KCET will have to upgrade its NTSC transmitters from the currently allowed ± 1000 Hz frequency tolerance to a ± 1 HZ frequency tolerance. That upgrade will require us to acquire external frequency source kits and retrofit the existing exciters to accept the external frequency reference.
5. Based on my conversations with representatives of Harris Corporation, the upgrade will be approximately \$55,000 for both exciters, plus shipping. There may be some additional costs associated with the upgrade.



William Burroughs
Director of Engineering
KCET-TV, Los Angeles, California


March 21, 2001

CERTIFICATE OF SERVICE

I, Amy E. Weissman, do hereby certify that I have this 26th day of March, 2001, caused to be delivered by first class United States mail, postage prepaid, the foregoing COMMENTS OF COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA, to the following parties:

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Amy E. Weissman

*BY HAND